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 INC.

ORIGINAL
 FILED

OCT 26 2006

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 (San Jose Division)

IN RE

CYGNUS TELECOMMUNICATIONS
 TECHNOLOGY, LLC, PATENT
 LITIGATION

) Case No. MDL-1423 RMW
)
) AND ORDER
) STIPULATION TO ALTER DATES
)
)
)
)

Defendants, through Liaison Counsel, and Plaintiff seek to slightly alter the dates set forth in the court's Order dated August 21, 2006. All dates set prior to October 24, 2006, have been met, and the October 27 deadline for Plaintiff to submit its claim construction brief remains as set in the August 21 Order. Thus, there is no change in the due dates set on page 2 of the Order.

As to the table on page 3 of the August 21 Order, Defendants seek to separate out motions for summary judgment on invalidity from motions for summary judgment on infringement. Defendants propose to submit three joint motions on invalidity on October 27, 2006, according to the first date on page 3. One motion will relate to issues under 35 U.S.C. §102; a second will relate to issues under §103; and a third will relate to issues under §112. The preliminary invalidity contentions of Defendants raised over forty different invalidity issues. Cygnus attempted to remove the issues raised in the two Reexamination proceedings from

STIPULATION TO ALTER DATES

consideration at the November 20 hearing, but that motion was denied without prejudice. In order to allow Plaintiff to see whether any of the forty-odd defenses may be dropped, the parties stipulate that Plaintiff shall have until November 3, 2006, to file its motions regarding validity. This stipulation balances the court's provision of a week after Plaintiff's claim construction brief for Defendants to submit a claim construction brief in the second box of page 3 of the order. Plaintiff will file its oppositions to the three invalidity briefs on November 10, rather than on November 3 as specified in the table on page 3 of the Order. Also on November 10, Plaintiff will reply to the claim construction opposition that Defendants filed on November 3.

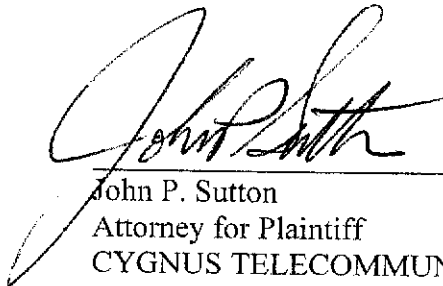
Using the tabular format of the August 21 Order, the parties stipulate to the following:

| | |
|-------------------|---|
| October 27, 2006 | Plaintiff's claim construction brief |
| October 27, 2006 | Defendants' summary judgment motions on invalidity |
| November 3, 2006 | Defendants' claim construction brief |
| November 3, 2006 | Plaintiff's opposition to invalidity motions |
| November 3, 2006 | Defendants' summary judgment motions on noninfringement |
| November 10, 2006 | Plaintiff's reply claim construction brief |
| November 10, 2006 | Plaintiff's opposition to infringement motions |
| November 10, 2006 | Defendants' reply on invalidity |

None of the changes affect the hearing date of November 20, 2006.

STIPULATED ON BEHALF OF PLAINTIFF:

October 25, 2006



John P. Sutton
Attorney for Plaintiff
CYGNUS TELECOMMUNICATIONS
TECHNOLOGY, LLC.

STIPULATION TO ALTER DATES

10/25/06
Date


Kieran Fallon
Liaison Counsel and
Attorney for Interactive Media Technologies, Inc.

THE PARTIES HAIVING STIPULATED, IT IS SO ORDERED.

The courthouse will be closed on Nov. 10, 2006 for Veterans' Day. The court's Oct. 26, 2006 order is vacated. If defendants file a motion to dismiss for lack of subject-matter jurisdiction by November 3, 2006, any opposition shall be due Nov. 9, any reply shall be due Nov. 12, and a hearing shall be held on Nov. 17, 2006.

10/27/06
Date


Ronald M. Whyte
United States District Judge

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